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FILED

NOV 16 2018

Clerk, U S District Court
District Of Montana
Billings

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN ALLEN WAGNER,

Defendant.

CR 18-87-BLG-SPW

SUPERSEDING INDICTMENT

**CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
METHAMPHETAMINE**

(Count I)

Title 21 U.S.C. § 846

**(Penalty: Mandatory minimum ten years to
life imprisonment, \$10,000,000 fine, and at
least five years supervised release)**

**POSSESSION WITH INTENT TO
DISTRIBUTE METHAMPHETAMINE
(Counts II, IV)**

Title 21 U.S.C. § 841(a)(1) and

Title 18 U.S.C. § 2

**(Penalty for count II: Mandatory minimum
ten years to life imprisonment, \$10,000,000
fine, and at least five years supervised
release)**

**(Penalty for count IV: Mandatory
minimum five years to 40 years
imprisonment, \$5,000,000 fine, and at least
four years supervised release)**

	<p>POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME (Counts III and V) Title 18 U.S.C. § 924(c)(1)(A)(i) and (C)(i) (Penalty: Mandatory minimum five years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised release) (Penalty for second or subsequent conviction: Mandatory minimum 25 years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised release)</p> <p>TITLE 21 PENALTIES MAY BE ENHANCED FOR PRIOR DRUG- RELATED FELONY CONVICTIONS</p>
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THE GRAND JURY CHARGES:

COUNT I

On or about April 21, 2018, at Billings and within Yellowstone County, in the State and District of Montana, the defendant, JOHN ALLEN WAGNER, knowingly and unlawfully conspired and agreed with other persons, known and unknown to the Grand Jury, to possess with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1), 500 grams or more of a substance containing a detectable amount methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846.

COUNT II

On or about April 21, 2018, at Billings and within Yellowstone County, in the State and District of Montana, the defendant, JOHN ALLEN WAGNER, knowingly possessed, with the intent to distribute, 500 grams or more of a substance containing a detectable amount methamphetamine, a Schedule II controlled substance, and did aid and abet the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT III

On or about April 21, 2018, at Billings and within Yellowstone County, in the State and District of Montana, the defendant, JOHN ALLEN WAGNER, knowingly possessed a firearm in furtherance of a drug trafficking crime that may be prosecuted in a court of the United States, namely conspiracy to possess with intent to distribute, and possession with intent to distribute methamphetamine, as alleged in counts I and II above, in violation of 18 U.S.C. § 924(c)(1)(A)(i).

COUNT IV

On or about July 19, 2018, at Laurel and within Yellowstone County, in the State and District of Montana, the defendant, JOHN ALLEN WAGNER, knowingly possessed, with the intent to distribute, five grams or more of actual methamphetamine, a Schedule II controlled substance, and did aid and abet the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

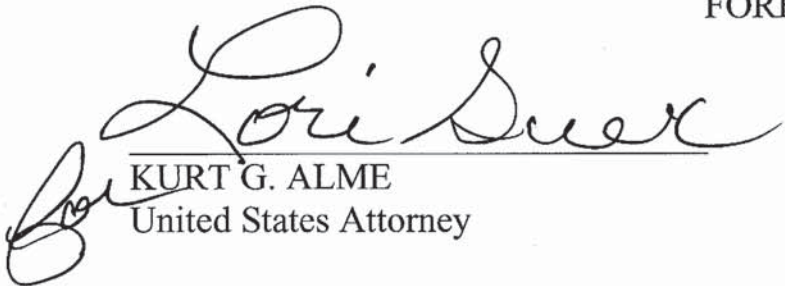
COUNT V

On or about July 19, 2018, at Laurel and within Yellowstone County, in the State and District of Montana, the defendant, JOHN ALLEN WAGNER, knowingly possessed a firearm in furtherance of a drug trafficking crime that may be prosecuted in a court of the United States, namely possession with intent to distribute methamphetamine, as alleged in count IV above, in violation of 18 U.S.C. § 924(c)(1)(A)(i).

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON


KURT G. ALME
United States Attorney


JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons _____

Warrant: USMS custody

Bail: _____